

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUL 24 1997

PATRICK FISHER
Clerk

DARRELL LEE FRECH,

Plaintiff-Appellant,

v.

INCORPORATED CASE,

Defendant-Appellee.

No. 97-6032
(D.C. No. 96-CV-1399)
(Western District of Oklahoma)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **PORFILIO** and **MURPHY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

“Darrell Lee., Frech” appeals from an order of the district court dismissing his pro se “9th Amendment Petition for De jure Grand Jury.” That document is a conglomeration

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

of legalese and gibberish of unintelligible content purporting to demand the impaneling of a grand jury to investigate unidentified offenses. The petition was dismissed for failure to prosecute, and the petitioner has appealed.

The brief in this court is no more intelligible than the papers filed in the district court. Petitioner cites only generalized legal theory relating to the grand jury system without identifying any cognizable legal theory upon which the district court had jurisdiction to grant him relief. Clearly, no such authority exists. Hence, the results of this case are obvious, the petitioner's "arguments" are patently unmeritorious, and this action is frivolous. *Braley v. Campbell*, 832 F. 2d 1504, 1510 (10th Cir. 1987).

AFFIRMED.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge